

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL ALAN RILEY,

Defendant.

No. CR01-259RSL

ORDER DENYING DEFENDANT'S
MOTION TO MODIFY SENTENCE
FOR EARLY RELEASE

This matter comes before the Court on defendant's "Motion to Modify Sentence for Early Release and Declaration in Support Thereof" (Dkt. #354). In is motion, defendant requests immediate release from the Federal Detention Center because of an alleged "lack of medical and dental care." *Id.* at 1. Defendant filed the motion, "acting pro se," even though he is represented by counsel. *Id.* at 2 (stating that "copies of this motion have been sent to Todd Greenberg, AUSA, and Mr. Howard L. Phillips, Defense Attorney.").

Under Local General Rule 2(g)(1), "Whenever a party has appeared by an attorney, he cannot thereafter appear or act in his own behalf in the cause, or take any step therein, unless an order of substitution shall first have been made by the court, after notice to the attorney of such party, and to the opposite party[.]" In this case, the Court has not entered an order of substitution, and therefore defendant is still represented by counsel. Accordingly, the Court denies defendant's motion (Dkt. #354) under Local General Rule 2(g). The Court also denies

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1 the motion because defendant has not shown that there are grounds to correct or reduce the
2 sentence under Fed. R. Crim. P. 35.

3 For all of the foregoing reasons, defendant's motion to modify his sentence (Dkt. #354)
4 for early release is DENIED.

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6 DATED this 13th day of November, 2007.

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9 Robert S. Lasnik
10 United States District Judge
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